



The following constitutes
the order of the court. Signed May 23, 2013

M. Elaine Hammond

M. Elaine Hammond
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re
PACIFIC THOMAS CORPORATION

Case No. 12-46534 MEH
Chapter 11

Debtor/

KYLE EVERETT

Adv. No. 13-04079 AH

Plaintiff

v.

RANDALL WHITNEY

Defendant/

SUPPLEMENTAL ORDER ON TURNOVER OF EMAILS

On May 14, 2013, the Court entered its Order Addressing Business Records and Premises Rents (the "Business Records Order"). Paragraph A of the Business Records Order requires Randall Whitney to turn over to the Trustee all electronic mail received by or sent from the domain account www.pacificthomas.com. Without limiting the turnover requirements set forth in the Business Records Order, the court hereby approves the following procedure for turnover of electronic mail while maintaining Randall Whitney's ability to assert that certain emails are subject to the attorney-client privilege of Randall Whitney for any matters other than those involving Debtor.

Good cause appearing, IT IS ORDERED as follows:

1. All electronic mail (whether privileged or not) that comprise Debtor's files (as described in Paragraph A of the Business Records Order) must be immediately placed into "escrow" with a third party administrator to be selected by the Trustee by no later than May 24, 2013.
2. By no later than May 24, 2013, Randall Whitney must provide the Trustee with a written informal designation of (a) the number of emails contained on the server as of the time of designation, and (b) the number and description of which specific emails he purports to be subject to the attorney-client privilege of Randall Whitney for any matters other than those involving the Debtor.
3. By no later than May 31, 2013, Randall Whitney must provide to the Trustee a formal privilege log (including the basis of the claimed privilege, date of email, sender and all recipients, and title of email) of all correspondence designated as privileged.
4. All emails not designated as subject to the attorney-client privilege shall be made available to the Trustee by the third-party administrator as of June 1, 2013; and
5. Randall Whitney and any administrator/host of the domain account www.pacificthomas.com must attest under penalty of perjury as to whether any emails received by or sent from the domain account www.pacificthomas.com have been permanently deleted or otherwise removed from the electronic record since entry of the order appointing Trustee on January 17, 2013.

****END OF ORDER****

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